

The Examiner states that the above-referenced application contains the following five inventions:

Group I includes Claims 1-10 and 21, which are directed towards a process for coating food products or bases.

Group II includes Claims 11-15, 24, 27, and 29 and Group II is drawn to a composition for improving a food coating.

Group III includes Claims 16-18, and 20 in which a device for coating food products is claimed.

Group IV includes Claims 22 and 28, which are directed towards a process for spraying a coating layer onto a base or substrate.

Group V includes Claims 23, 25, and 26 in which a coated food product is claimed.

Hereinafter, the "composition of group II" will also be referred to as an "alcoholic composition".

Hereinafter, the term "coating" is used to describe a coating applied to a food substrate or a base before the application of the alcoholic composition. It is submitted that the coating can be a chocolate coating (as described in the example). But as seen in original Claim 1 and throughout the specification, the coating is not necessarily a chocolate coating.

GROUP II (COMPOSITION) AND GROUP I (PROCESS FOR COATING PRODUCTS) OR IV (PROCESS FOR SPRAYING A COATING LAYER ONTO A BASE OR SUBSTRATE)

The Examiner states that the composition of Group II may be used in a process that is materially different from that of Group I. In particular, the Examiner hypothesizes that the composition of Group II may be used in a process in which the composition is mixed with another article of food (such as cake mix). It is submitted that this rejection is not well taken.

rejection
First, nothing in the specification indicates that the claimed composition of Group II which comprises a food-grade alcohol and a reactive vegetable extract soluble in said alcohol (hereinafter referred to as "alcoholic composition") can be mixed with another food element.

The alcoholic composition of Group II is used as a coating. In particular, it is sprayed or atomized directly onto a substrate or onto a coating of a substrate (which, again, is not necessarily a chocolate coating), see specification on page 5, lines 11-15 and page 4, line 13 to page 5, line 1.

Therefore, the alcoholic composition of Group II is a thin "covering" or even a "surface treatment" as described on page 3, lines 24-32. The aim of such a thin covering is to decrease the rancidity and the whitening of food product, without being "greasy" to the touch, and so as to create a barrier against moisture (see page 2, lines 17-36 to page 3, line 18).

However, when the composition of the present invention is mixed with a food product such as a cake mix, the result is not satisfying. When mixed, the reaction is identical to a reaction of alcohol and milk sugar (a bakelite reaction) and the mixture results

in the production of a "dough" comprising compact and hard fibers much like cotton fibers. This mixture cannot be eaten.

Therefore, it is submitted that the alcoholic composition of Group II cannot be mixed with another article of food, but that it can be used as a final coating. Therefore, it is submitted that the restriction of Group II from the inventions of Groups I and IV is improper and it is requested that this restriction be withdrawn.

GROUP IV (PROCESS FOR SPRAYING A COATING LAYER ONTO A BASE OR SUBSTRATE) AND GROUP I (PROCESS FOR COATING PRODUCTS)

The Examiner states that Groups IV and I cannot be examined together. Claim 22 has been amended to recite that the substrate used in the process for applying a coating layer (for example, a chocolate coating) onto a substrate by spraying or atomizing, is a food substrate. Therefore, it is requested, in light of the amendment to Claim 22 and the arguments presented above, that this restriction be withdrawn as well.

GROUP I (PROCESS FOR COATING PRODUCTS) AND GROUP V (COATING FOOD PRODUCT)

The Examiner has postulated that the inventions of Group I and V cannot be examined together because it may be possible to use the product of Group V in a process that is materially different from that of Group I. In particular, the Examiner has alleged that the claimed product of Group V can be used in a process where the coating of alcoholic composition can be applied to a food base by co-extruding the coating and the food base.

It is submitted that the co-extrusion hypothesized by the Examiner is not possible,

for the previously stated reasons. It is submitted that the co-extrusion of a food base and the coating of an alcoholic composition would result in a formulation of fibers, and, therefore, an inedible mixture. Thus, it is submitted that Groups I and V can be examined together and it is requested that this restriction be withdrawn as well.

**GROUP II (COMPOSITION FOR IMPROVING A FOOD COATING) AND GROUP V
(COATED FOOD PRODUCT)**

The Examiner stated that the composition of Group II can be mixed with food ingredients rather than being coated on a food product. For the reasons stated above, this restriction is traversed. Additionally, nothing in the specification indicates that the alcoholic composition can be mixed with other ingredients.

It is submitted that the alcoholic composition claimed in Group II is a "covering" or a "surface treatment" and that it is used as a coating. It can not be mixed with other food ingredients or a bakelite reaction occurs. Therefore, it is submitted that this restriction is improper and it is requested that the restriction be withdrawn.

**GROUP IV (PROCESS FOR SPRAYING A COATING LAYER ONTO A BASE
OR SUBSTRATE) AND GROUP III (DEVICE)**

The Examiner stated that the process of Group IV can be used with a device solely composed of spray nozzles, without the presence of a means to provide sufficient contact times, as described in the device of Group III. This assertion is traversed.

The means for providing a sufficient contact time prevents the alcoholic composition from adhering to the wrapping of the food product. Additionally, it is also necessary to wait

several seconds to several dozen seconds before wrapping the food product, so that the alcoholic composition and the food substrate have sufficient time to react, thereby creating a treated surface that can fight against moisture, rancidity and the whitening of the food product. Therefore, it is submitted that this restriction is improper and it is requested that it be withdrawn.

GROUP III (DEVICE) AND GROUP V (COATED FOOD PRODUCT)

The Examiner states that the device of Group III can be used with other processes such as coating of wooden or plastic goods. This is respectfully traversed.

Even if the device could coat and then apply an alcoholic composition on wooden or plastic goods, there is no motivation in the specification as filed which indicates that that would be desirable. Therefore, it is submitted that this restriction is improper and it is requested that it be withdrawn.

GROUP IV (PROCESS FOR SPRAYING A COATING LAYER ONTO A BASE OR SUBSTRATE) AND GROUP V (COATED FOOD PRODUCT)

The Examiner states that the process of Group IV can be used to make different products such as a coated wood product and that the product can be made by immersion. It is submitted that these theories are not well taken.

First, the immersion process has several drawbacks. For example, neither the quantity nor the relief of coating can be efficiently controlled. Therefore, the coating is preferably sprayed onto a food substrate or base (as it is in the present application) because the quantity can be controlled (only a few micrometers in thickness).

Therefore, it is requested that this restriction be withdrawn as well.

Therefore, it is requested that Groups I, II, IV, and V be examined together for the reasons set forth above. However, Group II, as stated earlier, is provisionally elected for examination with traverse.

In the event this paper is not timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referring to client-matter number 024118-00030, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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Enclosure: Petition for Extension of Time for One Month
Marked Up Copy of Claims

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22. (Thrice Amended) A process for applying [the] a coating layer to [the] a food base or a food substrate, [wherein it] said process comprising [comprises the] spraying or [atomization of] atomizing [the] a coating composition through a nozzle onto the base or substrate [using spraying or atomizing means, said spraying or atomizing means including nozzles].